



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,808	02/12/2004	Marc W. Todd	50037.211US01	5841
27488	7590	10/27/2008		
MERCHANT & GOULD (MICROSOFT)				
P.O. BOX 2903				
MINNEAPOLIS, MN 55402-0903				
EXAMINER				
BETTT, JACOB F				
ART UNIT		PAPER NUMBER		
2169				
MAIL DATE		DELIVERY MODE		
10/27/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/777,808

Applicant(s)

TODD ET AL.

Examiner

Jacob F. B  tit

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. In response to communications filed on 26 February 2008, claims 1-3, 11, and 18 have been amended per the applicant's request. Claims 1-23 are presently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprint Online User's Guide PCS Phone Handspring Treo 300 User Guide, known hereinafter as Treo in view of Grossman et al. (U.S. patent No. 2004/0119732 A1) and in further view of Microsoft Middleeast - Windows XP.

As to claim 1, Treo teaches a method for displaying recent items, comprising:

determining a recent item from recently accessed items on a device; wherein the recently accessed items on the device include: recent incoming phone calls; recent outgoing phone calls; and recent access of contacts (see page 94, Reviewing Call History);

replacing the recent item with a contact maintained in a contact list when the item has an associated contact (see page 94, screen shot and see page 95 Adding a Call History Entry to Contacts);

placing the recent item in a recent items list that includes all recently accessed items (see page 94, screen shot);

generating the recent items list such that the recent item is only shown once within the recent items list; wherein the recent items list includes both recent items that were replaced by a contact and recent items that were not replaced by a contact (see page 94, screen shot, where each incoming outgoing or missed call is only displayed once); and

displaying the recent items list (see page 94, screen shot); and

displaying a context menu when the recent item is selected; wherein the context menu includes an option to an option to remove the recent item from the recent items list (see page 107, Call History view).

Treo does not distinctly disclose including create a new contact for the recent item when the recent item was not replaced by a contact; and an option to beam the recent item in the Call History “record” view.

However, Treo does include creating a new contact and beaming a contact in other “record” menus (see page 107, Contacts list view; Contacts edit view; and Contacts record view). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Call History “record” in Treo to include creating a new contact and beaming a contact because it would allow added functionality of allowing new address book entries to be added to the address book from the Call History and of allowing contact information from calls from the Call History to be sent to other users using menu items already available in other embodiments of Treo.

Treo does not distinctly disclose wherein the recently accessed items include recently received electronic messages or recent outgoing electronic messages.

However, Grossman et al. teaches including email and phone numbers see paragraph 0043 and 0046. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Treo to include the teachings of Grossman et al. because these teachings would allow the user to contact a recent correspondence with email or telephone.

Treo does not distinctly disclose an option to pin the recent item to a top portion of the recent items list.

However, Microsoft Middleeast - Windows XP teaches pinning programs to a start menu of recently and frequently accessed programs. (see Pin Programs to the Start Menu). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Treo to include the teachings of Microsoft Middleeast - Windows XP because this would allow the user to have more control over what items are displayed on a list of frequently accessed contacts.

As to claim 2, Treo as modified, teaches wherein determining the recent item further comprises determining a time associated with a communication associated with the recent item (see Treo, page 94, Details and page 107, Call History view).

As to claim 3, Treo as modified, does not distinctly disclose wherein determining the recent item further comprises determining a frequency associated with communications associated with the recent item.

However, Grossman et al. teaches this, see paragraph 0011 and 0046 “frequency of selecting particular contacts”. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Treo as modified, to include the teachings of Grossman et al. because these teachings would allow the users to see a list of contacts accessed most of a period of time instead of seeing contacts accessed most recently.

As to claim 4, Treo as modified, does not distinctly disclose further comprising determining a frequency associated with the communication.

However, Grossman et al. teaches this, see paragraph 0011 and 0046 “frequency of selecting particular contacts”. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Treo as modified, to include the teachings of Grossman et al. because these teachings would allow the users to see a list of contacts accessed most of a period of time instead of seeing contacts accessed most recently.

As to claim 5, Treo as modified, teaches further comprising replying to the recent item by using any available communication method (see Treo, page 95, Calling a number in your Call History list, where calling the number is the available communication method).

As to claim 6, Treo as modified, teaches wherein the communication method is selected from a set comprising a telephone call, an IM message, an SMS message, MMS message and an email (see Treo, page 95, Calling a number in your Call History list, where calling the number is the available communication method).

As to claim 7, Treo as modified, teaches wherein the recent item list is limited to a predetermined number of recent items (see Treo, page 94, "quick access to the previous 1,000 incoming and outgoing calls").

As to claim 8, Treo as modified, teaches wherein determining the recent item further comprises determining when a communication associated with the recent item is private and when the communication is private marking the communication as a non-recent item and not including the recent item in the recent items list (see Treo, page 72, Making records private).

As to claim 10, Treo as modified, teaches further comprising turning off the display of the recent items list based on a setting (see Treo, page 196, Auto-off delay).

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sprint Online User's Guide PCS Phone Handspring Treo 300 User Guide, known hereinafter as Treo in view of Grossman et al. (U.S. patent No. 2004/0119732 A1) and in further view of Microsoft Middlecast - Windows XP as applied to claims 1-8 and 10 above and in further view of SoloMio.

As to claim 9, Treo as modified, does not distinctly disclose further comprising displaying the time of the communication within a title bar of a contacts window when the recent item is highlighted.

However, SoloMio teaches this see below.

solomiO

SoloMio Missed Call List



SoloMio Services

SoloMio Copyright 2003

Figure 1- a list of recent items

soloMio

SoloMio Missed Call Option Menu



SoloMio Services

SoloMio Copyright 2003.

Figure 2- displaying the time of the last communication in the title bar.

Therefore, it would have been obvious to have modified Treo as modified above to include the teachings of SoloMio because this would convey information that may be necessary to a user to the user in a very efficient manner.

5. Claims 11-16, 18-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprint Online User's Guide PCS Phone Handspring Treo 300 User Guide, known hereinafter as Treo in view of Grossman et al. (U.S. patent No. 2004/0119732 A1).

As to claim 11, Treo teaches a system for displaying recent items, comprising:

a communications connection configured to receive a communication (see page 95, “Make sure wireless mode is on. See page 10 for details”);

a display configured to display a recent items list (see page 94, screen shot); and

a recent items application configured to perform actions, including:

determining a recent item from recently accessed items; wherein the recently accessed items include: recent incoming phone calls; recent outgoing phone calls; and recent access of contacts (see page 94, Reviewing Call History);

replacing the recent item with a contact maintained in a contact list when recent item has an associated contact within a contact list (see page 94, screen shot, page 95 Adding a Call History Entry to contacts);

placing the recent item in the recent items list that includes all recently accessed items (see page 94, screen shot);

generating the recent items list such that the recent item is only shown once within the recent items list (see page 94, screen shot); and

displaying the recent items list on the display (see page 94, screen shot).

Treo does not distinctly disclose including recently received electronic messages and recent outgoing electronic messages.

However, Grossman et al. teaches including email and phone numbers see paragraph 0043 and 0046. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Treo to include the teachings of Grossman et al. because these teachings would allow the user to contact a recent correspondence with email or telephone.

As to claim 12, the applicant is directed to the citations of claim 2 above.

As to claim 13, the applicant is directed to the citations of claim 3 above.

As to claim 14, the applicant is directed to the citations of claim 5 above.

As to claim 15, the applicant is directed to the rejection of claim 7 above.

As to claim 16, the applicant is directed to the citations of claim 8 above.

As to claim 18, Treo teaches a computer-readable storage medium for displaying recent items, comprising:

determining a recent item from recently accessed items; wherein the recently accessed items include: recent incoming phone calls; recent outgoing phone calls; and recent access of contacts (see page 94, Reviewing Call History);

attempting to associate the recent item with a contact maintained in a contact list (see page 94, screen shot and see page 95, Adding a Call History Entry to contacts);

placing the recent item in a recent items list that includes all recently accessed items (see page 94, screen shot);

generating the recent items list such that the recent item is only shown once within a recent contact list (see page 94, screen shot); and

displaying the recent items list (see page 94, screen shot).

Treo does not distinctly disclose including recently received electronic messages and recent outgoing electronic messages.

However, Grossman et al. teaches including email and phone numbers see paragraph 0043 and 0046. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Treo to include the teachings of Grossman et al. because these teachings would allow the user to contact a recent correspondence with email or telephone.

As to claim 19, the applicant is directed to the citations of claim 2 above.

As to claim 20, the applicant is directed to the citations of claim 5 above.

As to claim 21, the applicant is directed to the citations of claim 8 above.

As to claim 23 the applicant is directed to the citations of claim 10 above.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sprint Online User's Guide PCS Phone Handspring Treo 300 User Guide, known hereinafter as Treo in view of Grossman et al. (U.S. patent No. 2004/0119732 A1) as applied to claims 11-16, 18-21, and 23 above and in further view of SoloMio.

As to claim 17, the applicant is directed to the citations of claim 9 above.

As to claim 22, the applicant is directed to the citations of claim 9 above

Response to Arguments

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Bétit whose telephone number is (571)272-4075. The examiner can normally be reached on Monday through Friday 10:30 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Tony Mahmoudi/
Supervisory Patent Examiner, Art Unit
2169

/jfb/

Art Unit: 2169

Examiner, Art Unit 2169

13 Oct 2008